



S. 1768

Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; Begun and held at *Boston*, in the County of *Suffolk*, upon Wednesday the *Twenty-seventh Day of May, 1772*; and from thence continued by sundry Prorogations to Wednesday the *Sixth Day of January* following, and then met.



CHAP. I.

An Act for Establishing and Regulating the Fees of the several Officers within this Province, hereafter mentioned.

BE it enacted by the Governor, Council, and House of Representatives, That from and after the *Eighth Day of March, One thousand seven hundred and seventy three*, the Establishment of the Fees belonging to the several Officers hereafter mentioned within this Province be as followeth, Viz. Preamble.

Justices Fees.

FOR every Writ of Attachment, or original Summons *one Shilling*,
Summons upon a Capias or Attachment, *six Pence*. Justices Fees.
Every Subpæna for one or more Witnesses, *six Pence*.
Entring an Action or filing a Complaint in Civil Causes, *two Shillings*.
Writ of Execution *one Shilling and four Pence*.

6 H.

Filing

Regulation of Fees.

Filing Papers, each *one Penny half Penny*.

Taxing a Bill of Costs, *three Pence*.

Entering up Judgment in Civil or Criminal Causes, *nine Pence*.

Copy of every evidence, original Papers, or Records, *eight Pence* per Page for each Page of twenty eight Lines, eight Words in a Line. If less than a Page, *four Pence*.

A Recognizance or Bond of Appeal, including Principal and Sureties, *one Shilling*.

Taking Affidavits out of their own Courts in order for the Trial of any Cause, *one Shilling*; and *two Shillings* for his Travel every ten Miles, and so in Proportion; his Travel to be certified on the Affidavit.

Taking Affidavits in *Perpetuam*, to each Justice, *one Shilling*.

For every Oath administered to one or more Witnesses appearing at one and the same Time before Referees or Arbitrators, *one Shilling*.

To Travel the same as in taking Affidavits.

To Swearing Persons appointed to appraise Estates, or to appraise and divide Real Estates, together with Certificates, *one Shilling and six Pence*, in the whole.

Taking an Acknowledgement with one or more Seals, provided at one and the same Time, *one Shilling*.

Receiving a Complaint and issuing a Warrant in Criminal Cases, *one Shilling and six Pence*.

For entering a Complaint, making up Judgment thereon, the same as in Civil Causes.

For granting a Warrant, Swearing Appraisers relating to Strays, and entering the same, *one Shilling and six Pence*.

For Affidavits in all other Cases with Certificates, and examining except Oaths to be administered to Town, District and Precinct Officers, *eight Pence*.

Coroners Fees.

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Fees.

FOR serving a Writ or Summons or Execution and returning an Inquisition and Travelling Fees, the same as by this Act hereafter allowed to Sheriff's Bail Bonds, *one Shilling*.

Every Trial where the Sheriff is concerned, *eight Pence*.

For attending the Jury, *one Shilling*.

For granting a Warrant and taking an Inquisition, *six Shillings*. If more than one at the same Time, *seven Shillings and six Pence*, in the whole.

For Travelling and Expences for taking an Inquisition, each Day *four Shillings*.

The Foreman of the Jury, *three Shillings*, and ten Miles accounted a Day's Travel, *one Shilling*.

Every other Juror, *two Shillings and six Pence*, and Travel the same as the Foreman.

The Constable for his Expences, summoning the Jury and Attendance, *four Shillings* per Day. And all Charges of the Inquisition shall be paid out of the County Treasury, except upon such as are cast away by Sea; and in such Case the Expence shall be paid out of the Province Treasury. Such Account of Expence being first examined and allowed by the Court of General Sessions of the Peace in the County in which such Inquisition shall be taken.

Judge

Judge of Probates and Registers Fees.

FO R granting Administration, to the Judge *three Shillings.*
To the Register for writing Letter and Bond of Administration,
two Shillings and six Pence.

For appointing or allowing Guardians to Minors, *two Shillings* to the Judge of Probates and Registers Fees.
Judge, and writing Bond, Letter of Guardianship, and Recording Letter, *three Shillings* to the Register.

Proving a Will or Codicil, to the Judge *three Shillings and six Pence*
to the Register, *two Shillings and six Pence.*

For examining and allowing Inventory, and Swearing the Executor or
Executors, Administrator or Administrators, *one Shilling* to the Judge.

Recording a Will, Letter of Administration or Guardianship, Inventory
or Account of one Page, and filing the same, *one Shilling and three Pence.* For every Page more of twenty-eight Lines of eight
Words in a Line, *eight Pence.*

For Copy of a Will and Inventory for each Page, and other Office
Copies, *eight Pence.*

Allowing Accounts, *three Shillings* to the Judge : Decree for settling
Intestate Estates, to the Judge, *three Shillings.*

For examining such Accounts, *one Shilling.*

A Citation *nine Pence.*

A Quietus, to the Judge *one Shilling* : To the Register *one Shilling.*

Warrant or Commission for appraising or dividing Estates, *one Shilling*
and *six Pence* to the Judge : To the Register *one Shilling.*

Making out Commission to receive and examine the Claims of Creditors
to Insolvent Estates, to the Judge *one Shilling* : To the Register *one Shilling.*

For Recording *eight Pence* for each Page.

Registering the Commissioners Report, each Page *eight Pence.*

Making out and entering an Order upon the Administrators for the Dis-
tribution of the Estate, to the Judge *one Shilling and six Pence* : To
the Register *one Shilling.*

For proportioning such Estate among the Creditors, agreeable to the Com-
missioners Return, *four Shillings.*

For Recording the same *eight Pence* per Page.

And be it further enacted, That whenever any Fees shall be paid in
the Probate Office for the Probate of a Will, and Letters Testamentary,
or for granting Letters of Administration, or Letters of Guardianship, or
for any Matter or Thing from Time to Time, arising in Consequence
of such Letters Testamentary, or Letters of Administration, or Letters
of Guardianship, and until the Estate upon which they are respec-
tively granted shall be fully settled, a particular Account of such Fees
before Payment shall if demanded, be by the Register or Judge set down
in Writing and given to the Person paying the same. And any such Fees
received without being thus ascertained in Writing shall be deemed illegal
Fees, and the Person receiving the same shall forfeit and suffer accord-
ingly.

In

Regulation of Fees.

In the Superiour Court.

Justices Fees.

Justices of
the Superior
Courts Fees.**E**Ntring an Action, *six Shillings and eight Pence.*Taking special Bail, *one Shilling and six Pence.*Allowing a Writ of Error, *two Shillings.*Allowing an Habeas Corpus, *one Shilling and four Pence.*Taxing a Bill of Cost, *eight Pence.*For entering a Petition and making order thereon for the Sale or Partiti-
on of Real Estates, and giving a Copy of the same, *seven Shillings* in
the whole; the Clerk to be paid out of the same for Recording as usual.Granting a Writ of Protection, *one Shilling.*

Clerks Fees.

Clerks Fees.

A Writ of Review, *three Shillings.*A Writ of Scire Facias, *two Shillings.*A Writ of Execution, *one Shilling and six Pence.*A Writ of Facias Habere Possessionem, *two Shillings and six Pence.*A Writ of Habeas Corpus, *two Shillings.*Copies of all Records each Page of twenty-eight Lines, eight Words in
a Line, *nine Pence*; less than a Page, *six Pence.*Entring each Action for Trial, *four Shillings.*Entring each Complaint, *two Shillings.*Receiving and recording a Verdict, *one Shilling.*Entring a Rule of Court, *nine Pence.*Confessing Judgment or Default, *one Shilling.*Every Action withdrawn, or Nonsuit, *one Shilling.*Entring an Appearance, *six Pence.*Acknowledging Satisfaction of a Judgment on Record, *eight Pence.*Examining each Bill of Cost, *eight Pence.*Continuing each Cause, and entering the same next Term, *one Shilling.*Filling each Paper in each Cause, *one Penny half Penny.*Proving a Deed in Court, and certifying the same, *one Shilling.*Entering up Judgment, and recording the same at large, *two Shillings.*For each Venire, to be paid out of the County Treasurie's respectively
on the Justices Certificate, *three Pence.*Every Writ and Seal other than before mentioned, *two Shillings.*For every Sub Pena for one or more Witnesses, *six Pence.*Each Recognizance, including Principal and Sureties, *one Shilling.*A Writ of Protection, *one Shilling.*

In the Inferiour Court of Common Pleas.

Justices Fees.

Justices of
the Inferior
Courts Fees.**E**Ntring of every Action, *five Shillings and four Pence.*Taxing a Bill of Cost, *six Pence.*Taking a Recognizance on Appeals including Principal and Sureties, *one
Shilling.*

Proving

Regulation of Fees.

Proving a Deed, *one Shilling.*

Granting a Writ of Protection, *one Shilling.*

For Entering a Petition and making Order thereon, for the Sale of Real Estates *four Shillings* to the Justices, and to the Clerk *one Shilling and six Pence.*

Clerks Fees.

Every Action entered, *one Shilling and four Pence.*

Every Writ and Summons, *eight Pence*, in the whole.

Every Appearance, *four Pence.*

Clerks Fees.

Entering and Recording a Verdict, *eight Pence.*

Recording a Judgment, *one Shilling.*

Copies of all Records, each Page of twenty-eight Lines eight Words in a Line, *eight Pence.*

Every Action withdrawn or Non-suit, *eight Pence.*

Every Execution, *one Shilling and four Pence.*

Every Oath and Certificate respecting the taking Bills of the other Governments *four Pence.*

Confessing Judgment or Default, *eight Pence.*

Acknowledging Satisfaction of a Judgment on Record, *eight Pence.*

Continuing each Cause and entering at the next Term, *eight Pence.*

Each Recognizance including Principal and Sureties, *one Shilling.*

Examining each Bill of Costs, *six Pence.*

Each *Venire* to be paid out of the County Treasuries respectively, by order of the Court, *three Pence.*

Writ of *Facias Habere Possessionem*, *two Shillings.*

Filing each Paper, *one Penny half Penny.*

A Writ of Protection, *one Shilling.*

Attornies Fees, and Allowance to Parties and Witnesses.

Attorney's Fees, *Viz.* In the Superior Court in a Cause tried by a Jury, *twelve Shillings*; in other Causes in said Court, and in all Causes in the Inferiour Court and Sessions, *six Shillings.*

Attornies
Fees, and al-
lowance to
Parties and
Witnesses.

In Criminal Causes where there is one or more Defendants tried by the same Jury in the Superior Court, *twelve Shillings*, and if there is no Trial *six Shillings*, and in the Court of General Sessions of the Peace the same as in the Inferior Court of Common Pleas.

To Parties recovering Costs, and to Witnesses in Civil and Criminal Causes, whether in the Superior or Inferior Courts, or Courts of the General Sessions of the Peace, or before a Justice, *one Shilling and six Pence* for each Days Attendance and Travel, ten Miles Travel to be accounted as one Day; no Allowance to be made to Parties for Travel to or from the Clerks Office in order to take out a Writ or Summons, or carry the same to the Officer. Provided nevertheless, that no Plaintiff shall be allowed more than three Days Attendance where the Defendant is Defaulted, unless the Defendant appears in Court, and makes Answer to the Plaintiff's Suit.

In the Court of General Sessions of the Peace.

In the Court
of General
Sessions of the
Peace.

TO Each Justice for every Day's constant Attendance in Court, *three Shillings* to all Justices in the Shire Town, or within ten Miles of the Court-House, and to all others, *four Shillings* per Day; to be paid out of the County Treasury; excepting such Justices who are sworn Attorneys at Law, or Clerks of the several Courts of Sessions; the Clerk to keep an exact Account of their Attendance as aforesaid, and all Fines and Forfeitures not otherwise appropriated by Law to be paid into the County Treasury for the use of the County.

For granting every Licence to Retailers and Innholders, and taking their several Recognizances, including Principal and Sureties, and for administering the Oath relative to the receiving the Bills of Credit of the other Governments *six Shillings*, in the whole; *one Shilling* thereof to the Clerk, the remainder thereof to be paid into the respective County Treasuries.

Each Recognizance in Criminal Causes, including Principal and Sureties, *one Shilling*.

Clerk of the Sessions Fees.

Clerk of the
Sessions Fees.

ENtering a Complaint or Indictment, *one Shilling and four Pence*.

Discharging a Recognizance, *eight Pence*.

Each Warrant for Criminals, *one Shilling*.

Each Summons or Sub-pœna, for one or more Witnesses *six Pence* in the whole.

Every Recognizance, including Principal and Sureties, *one Shilling*.

Entering up Judgment, or entering Satisfaction of Judgment on Record, *one Shilling*.

Warrant for County Tax, *one Shilling*.

For minuting the Receipts of each Petition, and Order thereon and Recording, *eight Pence* per Page, as before mentioned in this Act.

Examining and casting the Grand Jury's Accounts yearly and order thereon, to be paid by the County Treasurer by order of the Court of Sessions, *one Shilling and six Pence*.

For Examining all other Accounts, *six Pence*.

For Copies of all Records or original Papers, *eight Pence*, per Page as before.

For Filing each Paper, *one Penny*.

For transmitting to the Selectmen of each Town in the County, a List of the Names of the Persons in such Town licensed the Year before, *three Pence*, to be paid by each Person licensed, and no more.

Fees for Registering Ships and other Vessels.

Fees for Re-
gistering
Ships and o-
ther Vessels.

FOR each Register, (exclusive of Collector's Fees) *five Shillings*.

Fees in the Secretary's Office.

Fees in the
Secretary's
Office.

FOR Certificates under the Province Seal, *five Shillings* in the whole, *two Shillings* thereof to the Secretary.

For engrossing the Acts or Laws of the General Assembly, *six Shillings*

Regulation of Fees.

- Shillings* each, to be paid out of the public Revenue.
- Every Commission for the Justices of each County, and Commission of Oyer and Terminer, *six Shillings and eight Pence*, to be paid out of the public Revenue.
- Every Commission under the Great Seal for Places of Profit, *six Shillings and eight Pence*, to be paid by the Person Commissionated.
- Every order of the General Court to the benefit of particular Persons, *six Shillings and eight Pence*.
- Every Writ for electing of Representatives to serve in the General Court, directed to the Sheriff under the Province Seal, *five Shillings*, to be paid out of the Public Revenue.
- For transcribing the Acts or Laws passed by the General Assembly into a Book, *eight Pence* per Page, each Page to contain twenty-eight Lines, eight Words in a Line, and so proportionably, to be paid out of the Public Revenue.
- Every Commission for military Officers, to be paid out of the Public Treasury, *two Shillings*.

Sheriffs or Constables Fees.

- FOR the Service of an original Summons or Scire Facias on one Defendant for Trial, either by reading the same, or by Copy, *one Shilling and four Pence*: If served on more than one Defendant, then for each other Defendant so served, *one Shilling and four Pence*. Sheriffs or Constables Fees.
- For Service of a Capias or Attachment on one Defendant, with or without a Summons, *one Shilling and four Pence*: If served in like manner on more than one Defendant, then for each other so served, *one Shilling and four Pence*.
- For a Bail Bond, including Principal and Sureties, to be paid by the Person or Persons admitted to Bail, *one Shilling*.
- For serving a Habere Facias Possessionem, exclusive of the Poundage on the Costs of Court, *six Shillings*: If on more than one Piece of Land, *four Shillings and six Pence* each.
- For the Costs on an Habere Facias, the same Poundage as in Personal Actions.
- For serving a Warrant, *one Shilling and four Pence*.
- For the Sheriffs Aid in Criminal Cases, to each Person *four Shillings* a Day, and ten Miles to be reckoned a Day, and so in Proportion for a less Time.
- For Summoning of Witnesses in Criminal Cases, for each Witness *six Pence* and Travel as in Civil Causes.
- For levying Executions in personal Actions, viz. For the first *twenty Pounds* or under, *nine-pence per Pound*; above that not exceeding *forty Pounds*, *four-pence per Pound*; above that not exceeding *one Hundred Pounds*, *two pence per Pound*; for all above *one Hundred Pounds*, *one-penny per Pound*.
- For Travel for the Service of each Execution, or mean Process, or Warrant to him directed *two Pence* per Mile; the Travel to be computed from the Place of Service to the Court where the Writ or Execution shall be returned, by the Way that is most commonly used; but one Travel to be allowed to one Writ or Execution: And if the same be served on more Persons than one, the Travel to be computed from that Place of Service, that is the remotest from the Place of Return, with

Regulation of Fees.

with all further necessary Travel in serving such Writ or Execution on the others. The travelling Fees and Fees of Service to be endorsed by the Sheriff or his Deputy on each mean Process or Execution, otherwise not to be allowed.

For serving an Execution upon a Judgment of Court for Partition of Real Estates, to the Sheriff *five Shillings* per Day; and for Travel and Expence *three Pence* per Mile out from the Place of his abode; and to each Juror, *two Shillings and six Pence* per Day; and for Travel and Expence, *three Pence* per Mile.

Every Trial *eight Pence*. Every Default, *four Pence*.

For making out every Precept for the Choice of Representatives, sending the same to the several Towns, and returning it to the Secretary's Office, *one Shilling and four Pence*, to be paid out of the County Treasuries respectively.

To the Officer attending the Grand-Jury, each Day *two Shillings*.

To the Officer attending the Jury for Trial, *one Shilling* every Cause.

For dispersing Venires from the Clerk of the Superior Court, and the Province Treasurer's Warrant, and Proclamations of all kinds, *four Pence* each.

For the Encouragement unto the Sheriff to take and use all possible Care and Diligence, for the safe keeping the Prisoners that shall be committed to his Custody, he shall have such Salary allowed him for the same, as the Justices of the Court of General Sessions of the Peace within the same County shall think fit to order, not exceeding *ten Pounds* per Annum for the County of *Suffolk*; and not exceeding *five Pounds* per Annum a piece for the Counties of *Essex* and *Middlesex*; and not exceeding *three Pounds* per Annum a piece in each of the other Counties within the Province, to be paid out of the Treasury of such County.

For appraising of Real Estates taken by Execution *four Shillings* per Day to each Appraizer, and so for a longer or shorter Time.

Cryer's Fees.

Cryer's Fees. **C**alling a Jury, *four Pence*,
A Default or Non-suit, *eight Pence*.
A Judgment affirmed on Complaint, *eight Pence*.
A Verdict, *eight Pence*.
Said Fees to be paid to the Clerks of the respective Court's for the Use of the Cryer's.

Goalers Fees.

Goalers Fees. **F**OR turning the Key on each Prisoner committed *three Shillings*, viz, *one Shilling and six Pence* in, and *one Shilling and six Pence* out.

For dieting each Person for a Week, *four Shillings*.

To the Captain of Castle-William.

To the Captain of Castle-William. **F**OR a Pass to the Castle for each Vessel *two Shillings* in the whole. Wood Sloops and other Coasting Vessels for which Passes have not been usually required, excepted.

Messenger

Regulation of Fees.

Messenger of the House of Representatives.

FOR serving every Warrant from the House of Representatives which they may grant for arresting, imprisoning or taking into Custody any Person, *one Shilling and six Pence.* Messenger of the House of Representatives Fees.
 For Travel each Mile out, *two Pence.*
 For keeping and providing Food for such Person, each Day, *one Shilling and six Pence.*
 For his Discharge or Dismission *one Shilling and six Pence.*

Grand Jurors Fees.

Foreman per Day, *three Shillings.*
 Each other Juror, *two Shillings and six Pence,* and for each Miles Travel out and home *two Pence per Mile,* but one Travel at each Court. Grand Jurors Fees.

Jurors for Trial their Fees.

TO every Foreman in every Cause at the Superior and Inferior Courts or Sessions, *three Shillings and six Pence.* Jurors for Trial their Fees.
 To every other Juror, *three Shillings.* Their Allowance for Travel to be the same as the Grand Jury Men, and to be paid out of the County Treasury, no Juror to be allowed for Travel, but such as actually serve upon the Jury.

For Marriages.

FOR each Marriage, to the Minister or Justice officiating, *four Shillings.*
 For recording it, to the Town-Clerk (to be paid by the Minister or Justice) *four Pence;* and to the Clerk of the Sessions (to be paid by the Town-Clerk) *two Pence.* For Marriages
 To the Town-Clerk for every Publishment of the Banns of Matrimony, and entering thereof, *one Shilling.*
 Every Certificate of such Publishment, *six Pence.*
 Recording Births and Deaths, each, *two Pence.*
 For the Certificate of the Birth or Death of any Person, *three Pence.*

County Registers Fees.

FOR entering, or recording, or copying any Deed, Conveyance or Mortgage, for each Page as it shall contain, *eight Pence per Page,* accounting after the Rate of twenty eight Lines, of eight Words in a Line to each Page, and proportionably for so much more as shall be under a Page; and *three Pence* for his Attestation on the original of the Time, Book and Folio where it is recorded. The Fees to be paid at the offering the Instrument. County Registers Fees.
 And for the Discharge of a Mortgage, *eight Pence.*
And be it further enacted, That if any Person or Persons shall demand

Regulation of Fees.

mand, or take any greater Fee or Fees for any of the Services aforesaid, than are by this Law provided, he or they shall forfeit and pay to the Person or Persons injured, the Sum of *ten Pounds* for every Offence, to be recovered in any Court proper to hear and determine the same.

Costs to be
taxed in all
criminal Pro-
secutions and
how to be paid

And be it further enacted, That in all criminal Prosecutions in the Superior Court of Judicature, Court of Assize and General Goal Delivery, and in the Courts of General Sessions of the Peace, when the Party or Parties prosecuted shall be ordered to go without Day, or when being convict, shall not have sufficient Goods or Estate to pay Costs of Prosecution; in every such Case it shall be in the Power of the Court before whom such Acquittal or Conviction shall be, to tax such Costs for Court Charges as the Case shall appear to require, not exceeding the Fees or Costs stated by this Act; and such Costs so taxed by the Courts of General Sessions of the Peace, shall be paid out of the respective County Treasuries. And such Costs so taxed by the Superior Court of Judicature, Court of Assize and General Goal Delivery, shall be paid by the Sheriffs of the respective Counties out of such Fines and Forfeitures as may have arisen and been incurred by force of any Judgment or Sentence of such Court; and Allowance shall be made by the Province Treasurer to the several Sheriffs for any Sums paid as aforesaid; and when and so often as it shall happen that any Sheriff shall not have in his Hands any Monies received for Fines and Forfeitures as aforesaid, such Costs shall be paid out of the Province Treasury.

Allowance to
be made to
the Sheriff.

Limitation.

This Act to continue and be in Force until the First Day of *November*, one Thousand seven Hundred and seventy five, and no longer.

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Limitation.

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